IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WILIBALDO MORA,	§	
Petitioner	§	
	§	**1:22-CV-01156-LY-SH**
v.	§	
	§	
	§	
WARDEN ROSALEZ,	§	
Respondent	§	

ORDER

Before the Court are Petitioner Wilibaldo Mora's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, filed November 7, 2022 (Dkt. 1), and his Application to Proceed In Forma Pauperis, filed December 15, 2022 (Dkt. 5).

After reviewing his Application and financial affidavit in support, the Court finds that Petitioner is indigent. Accordingly, the Court hereby **GRANTS** Petitioner's Application to Proceed In Forma Pauperis (Dkt. 5) and **ORDERS** his Petition to be filed without prepayment of fees or costs or giving security therefor, pursuant to 28 U.S.C. § 1915(a)(1). This indigent status is granted subject to a later determination that the action should be dismissed if the allegation of poverty is untrue or the action is found frivolous or malicious pursuant to 28 U.S.C. § 1915(e)(2). Petitioner challenges the calculation of his sentence. The Court finds that Petitioner's allegations are sufficient at this stage of the case to avoid dismissal under 28 U.S.C. § 1915(e)(2)(B) for frivolousness. Accordingly, the undersigned does not recommend that the District Court dismiss this case under Section 1915(e)(2)(B).

Accordingly, the Court **ORDERS** the Clerk to serve a copy of the petition (Dkt. 1) on the United States Attorney, by certified mail, return receipt requested. It is **FURTHER ORDERED** that the United States Attorney, on behalf of Respondent, file an answer or other response to the

petition within **sixty (60) days** of the date of service of the petition on Respondent. If Petitioner desires to file a reply to Respondent's response, he is **ORDERED** to do so within **thirty (30) days** of the date of service of the response on him.

   SIGNED on December 19, 2022.

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SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE